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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,101	10/16/2003	Szu-Jen Chen	7257/71283	7242

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EXAMINER

MUSSER, BARBARA J

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/687,101

Applicant(s)

CHEN, SZU-JEN

Examiner

Barbara J. Musser

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2, 3, and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Regarding claim 2, it is unclear what is meant by evenly dividing the mold into portions corresponding to the cover panels since the cover panels are of different shapes and therefore are probably not the same size.

Regarding claim 3, it is unclear whether the level of the strips after molding is below the surface of the ball or if they are raised relative to the surface of the ball since the claim indicates the strips are placed in recesses in the mold, but they are placed after the cover pieces and since in the majority of basketballs, the strips are recessed relative to the cover of the basketball. For the purposes of examination, it is assumed that the strips are placed in recesses which are shallower than the locations the cover pieces are placed in so that the strips are recessed relative to the surface of the formed basketball, particularly since Figure 1B does not appear to show the strips recessed into the mold relative to the remainder of the mold at the edge of the drawing where the cross-section of the mold can be seen.

***Claim Objections***

4. Claim 2 is objected to because of the following informalities: in line 1, the woe – of—appears to be missing between “face” and “the lower mold”. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lai et al.(U.S. Patent 5,320,345) in view of Dalton et al.(U.S. Patent 6,056,842) and Ou(U.S. Patent 6,506,135).

Lai et al. discloses a method of forming a ball by placing cover panels into a mold composed of a top and bottom mold half, detachably connected together. The cover panels are held in place by suction holes. After the cover panels are placed in the mold, the bladder is inserted into the mold, the mold is closed, the cover panels are secured to the bladder, and the ball is removed from the mold.(Col. 5, ll. 37-50) The reference does not disclose placing cover strips in the mold to form the seams of the basketball. Dalton et al. discloses placing multiple layers on top of each other against the sides of the mold to form a ball.(Figures 4 and 5) Ou discloses separate strips(14) and cover panels(132) independent of the core of the basketball are used to form the outside of

the basketball.(Figure 3B) It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply strips to the mold to form the seam lines since Lai et al. does not disclose how the seam lines are formed, and since Dalton discloses multiple layers can be applied to the mold(Figures 4 and 5) and since Ou discloses that the seams are formed from a different material than the cover panels.(Figure 3B)

Regarding claim 2, Ou shows the strips are located between the cover panels. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow a gap between the cover panels into which the strips could be positioned since the strips are intended to mimic seams, and the seam are located between the cover panels.

Regarding claim 3, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form a recess in the mold into which the strips fit since this would allow shaping of the strips to the desired final shape and to use any conventional shape, such as a semi-circle for the seam since such shapes are well-known in the game arts.

Regarding claims 4-6, since Lai et al. discloses the bladder is pressurized to 75-100 psi(Col. 5, ll. 49) it is considered to apply pressure to the cover panels during bonding, thus helping to secure them to the bladder.

**Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara J. Musser whose telephone number is (571) 272-1222. The examiner can normally be reached on Monday-Thursday; alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571)-272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BJM



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